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4 **BEFORE THE PUBLIC DISCLOSURE COMMISSION**  
5 **OF THE STATE OF WASHINGTON**

6 IN RE COMPLIANCE  
7 WITH RCW 42.17

) PDC CASE NO.: 03-029

8 JOHN POTTER

) **FINAL ORDER IMPOSING FINE**

9  
10 Respondent.  
\_\_\_\_\_ )

11 **INTRODUCTION**

12 The Washington State Public Disclosure Commission (Commission) conducted an  
13 enforcement hearing under chapters 34.05 and 42.17 RCW and chapter 390-37 WAC on  
14 October 2, 2002, with respect to the above-encaptioned matter. The Commission held the  
15 hearing at the John A. Cherberg Building, Senate Hearing Room 2, Olympia, Washington.  
16 The Respondent was not present at the hearing. The Staff appeared through Phil Stutzman,  
17 Director of Compliance. The Commission held the hearing to determine whether the  
18 Respondent violated RCW 42.17.240 by failing to file a Personal Financial Affairs  
19 Statement (PDC form F-1) within two weeks of becoming a candidate in the 2002 election.  
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21 During the hearing, the Staff presented, for the Commission's consideration, the  
22 Brief Enforcement Hearing Notice issued August 28, 2002, which alleged a violation of  
23 RCW 42.17.240, and a memorandum dated September 18, 2002, regarding movement of  
24 the hearing to the level of the full Commission, and including a description of the  
25 Respondent's prior violations.  
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1 Based on this record, the Commission finds that:

- 2 1. RCW 42.17.240 requires candidates for elective office in jurisdictions of over 1,000  
3 registered voters as of the last general election to file a Personal Financial Affairs  
4 Statement within two weeks of becoming a candidate.  
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- 6 2. The Respondent is a candidate in the 2002 election for State Representative in the 11<sup>th</sup>  
7 Legislative District. The Respondent filed a Declaration of Candidacy with the office  
8 of King County Records and Elections on July 26, 2002. His Personal Financial Affairs  
9 Statement was due to be filed by August 9, 2002.
- 10 3. The Personal Financial Affairs Statement was not filed.

### 11 **ORDER**

12 Based on the record submitted in this matter, the Commission orders as follows:

- 13 1. The Respondent violated RCW 42.17.240 by failing to file a Personal Financial Affairs  
14 Statement within two weeks of becoming a candidate in the 2002 election.  
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- 16 2. That a total civil penalty of \$1,000 is assessed against the Respondent.

### 17 **RECONSIDERATION**

18 Any party may ask the Commission to reconsider this final order. Parties must  
19 place their requests for reconsideration in writing, include the specific grounds or reasons  
20 for the request, and deliver the request to the Public Disclosure Commission Office within  
21 TEN (10) days of the date that the Commission serves this order upon the party. Pursuant  
22 to RCW 34.05.470(3), the Public Disclosure Commission is deemed to have denied the  
23 petition for reconsideration if, within twenty (20) days from the date the petition is filed, the  
24 Commission does not either dispose of the petition or serve the parties with written notice  
25 specifying the date by which it will act on the petition. Pursuant to RCW 34.05.470(5), the  
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1 Respondent is not required to ask the Public Disclosure Commission to reconsider the final  
2 order before seeking judicial review by a superior court.

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4 **APPEAL RIGHTS**

5 Pursuant to RCW 42.17.395(5), a final order issued by the Public Disclosure  
6 Commission is subject to judicial review under the Administrative Procedures Act, chapter  
7 34.05 RCW. Pursuant to RCW 34.05.542(2), a petition for judicial review must be filed  
8 with the superior court in Thurston County or the petitioner's county of residence or  
9 principal place of business. The petition for judicial review must be served on the Public  
10 Disclosure Commission and any other parties within 30 days of the date that the Public  
11 Disclosure Commission serves this final order on the parties.

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13 If reconsideration is properly sought, the petition for judicial review must be served  
14 on the Public Disclosure Commission and any other parties within thirty (30) days after the  
15 Commission acts on the petition for reconsideration. The Commission will seek to enforce  
16 this final order in superior court under RCW 42.17.395-397, and recover legal costs and  
17 attorney's fees, if the penalty remains unpaid and no petition for judicial review has been  
18 filed under chapter 34.05 RCW. This action will be taken without further order by the  
19 Commission.

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22 DATED THIS 15<sup>th</sup> day of October, 2002.

23 FOR THE COMMISSION:

24 /s/  
25 \_\_\_\_\_

26 VICKI RIPPIE, Executive Director